

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO R5-2009-_____

RESCISSION OF CEASE AND DESIST ORDER NO. R5-2003-0125

BARREL TEN QUARTER CIRCLE LAND INC.
BARREL TEN - ESCALON
SAN JOAQUIN COUNTY

The California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board) finds that:

1. Barrel Ten Quarter Circle Land Inc. (hereafter Discharger), owns and operates the Barrel Ten - Escalon Winery, located at 21801 Highway 120, Escalon, San Joaquin County. The property consists of approximately 128 acres (Assessor's Parcel No. 205-250-02) in Section 36, T1S, R8E, MDB&M.
2. A winery has existed at the site since at least the 1890's; prior owners and operators include Heublein Wine, Erley Industries, United Vintners, and Canandaigua Wine Company.
3. On 26 November 1991, the Central Valley Water Board adopted Waste Discharge Requirements (WDRs) Order No. 91-223, which prescribe requirements for the discharge of wastewater to land application areas. On 5 September 2003, the Central Valley Water Board determined groundwater quality beneath the facility had been degraded.
4. On 5 September 2003, Cease and Desist Order (CDO) No. R5-2003-0125 was adopted by the Central Valley Water Board pursuant to California Water Code Sections 13301 and 13267. The CDO required the Discharger to perform certain technical studies, design a wastewater treatment system that is protective of groundwater quality, and submit a Report of Waste Discharge (RWD) to allow updating the facility WDRs.
5. The Discharger submitted the technical studies and an RWD dated 28 January 2005 for treatment and land application of wastewater generated at its wine processing and storage facility. The Discharger submitted RWD amendments on 19 September 2005 and 26 May 2006; additional information was also submitted on 25 April 2007, 30 May 2007, and a subsequent RWD Amendment was submitted on 10 November 2008.
6. On 24 April 2009, the Central Valley Water Board adopted revised WDRs Order No. R5-2009-0038 for the wastewater discharge at the facility.

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PROCEDURAL REQUIREMENTS

7. The Discharger and interested persons were notified of the intent to consider rescission of the CDO and were provided an opportunity for a public hearing and an opportunity to submit their written comments.
8. The issuance of this Order is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.), in accordance with Title 14, California Code of Regulations, section 15321.
9. California Water Code Section 13306 requires:

A majority vote of the entire membership of a regional board shall be required to adopt, rescind, or modify any enforcement action authorized by Section 13301.

10. Any person affected by this action of the Central Valley Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with sections 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Water Board, Office of Chief Counsel, P.O. Box 100, Sacramento, California 95812-0100, within 30 days of the date on which the action was taken. Copies of the laws and regulations applicable to the filing of a petition are available at http://www.waterboards.ca.gov/public_notices/petitions/water_quality/index.shtml and will be provided on request.

IT IS HEREBY ORDERED that Cease and Desist Order No. R5-2003-0125 be rescinded.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region on 7/8/9 October 2009.

PAMELA C. CREEDON, Executive Officer